

Appn. Ser. No.: 09/927,671
Atty Docket No.: 00-4046
Customer No.: 32127

REMARKS

Applicant submits this Response in response to the Office Action mailed April 20, 2005. Applicant has amended claims 1, 2, 6, 7, 10, 11, 16, 17, 21, 22, 25, 26, 30, 31, 35, 36, 39, 40, 44, 45, 48 and 49. Claims 1-52 remain pending. No new matter has been added.

In the Office Action, the Examiner: (1) rejected claims 10, 25 and 48 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,826,684; (2) objected to the specification for failing to include application serial numbers for certain U.S. patent applications cited therein; (3) rejected claims 1-52 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,507,908 to Caronni ("Caronni"); and (4) rejected claims 1-5, 10-20, 25-34, 39-43 and 48-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,757,924 to Friedman et al. ("Friedman"). Applicant respectfully traverses the objections and rejections based on the following.¹

Double Patenting Rejections

In the Office Action, the Examiner has rejected claims 10, 25 and 48 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,826,684 (which is currently commonly owned by the assignee of the present application). Although Applicant does not concur with the Examiner's double patenting rejection, in the interest of quickly advancing prosecution of the present application, Applicant submits with this Response a terminal disclaimer in compliance with 37 C.F.R. § 1.321. Applicant thus believes the double patenting rejections have been overcome, and respectfully requests withdrawal of the rejections.

Objections to the Specification

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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In the Office Action, the Examiner has objected to the specification for failing to include application serial numbers for certain U.S. patent applications cited therein. Applicant has amended the specification to include the current application serial numbers applicable to the cited applications, as suggested by the Examiner. Applicant therefore respectfully requests that the Examiner withdraw the objections to the specification.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner has rejected claims 1-52 under 35 U.S.C. § 102(e) as being anticipated by Caronni, rejected claims 1-5, 10-20, 25-34, 39-43 and 48-52 under 35 U.S.C. § 102(b) as being anticipated by "Friedman." Applicant respectfully requests reconsideration based on the following.

Independent claim 1 recites a network security apparatus for securing packet header information of a data packet that comprises:

a key exchanger adapted to derive a cipher key;

a translator adapted to translate predetermined portions of said packet header information according to a cipher algorithm keyed by the cipher key into translated packet header information, and replace said predetermined portions of said packet header information with the translated packet header information in the data packet; and

a communication device adapted to communicate the data packet between a first enclave and a second enclave through a wide area network;

wherein said predetermined portions of said packet header information include a destination host address portion that identifies a destination host within the second enclave, a destination port number and a sequence parameter that changes on a per-packet basis, and wherein said predetermined portions of said packet header information do not include an address portion associated with either the first enclave or the second enclave.

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Neither the Caronni reference nor the Friedman reference teach or suggest an apparatus such as recited by claim 1. For example, neither the Caronni reference nor the Friedman reference describe an apparatus that includes "a translator adapted to translate predetermined portions of said packet header information according to a cipher algorithm keyed by the cipher key into translated packet header information, and replace said predetermined portions of said packet header information with the translated packet header information in the data packet, . . . wherein said predetermined portions of said packet header information include a destination host address portion that identifies a destination host within the second enclave, a destination port number and a sequence parameter that changes on a per-packet basis, and wherein said predetermined portions of said packet header information do not include an address portion associated with either the first enclave or the second enclave." The absence of these elements of claim 1 from the Caronni and Friedman references precludes any anticipation of claim 1. Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 1.

Independent claims 6, 10, 16, 21, 25, 30, 35, 39, 44 and 48, although of different scope than claim 1, include similar limitations as those noted above for claim 1. As a result, Applicant believes claims 6, 10, 16, 21, 25, 30, 35, 39, 44 and 48 to be patentable over the Caronni and Friedman references for at least the same reasons as claim 1, and Applicant respectfully requests that the Examiner withdraw the rejections of these claims as well.

Dependent claims 2-5, 7-9, 11-15, 17-20, 22-24, 26-29, 31-34, 36-38, 40-43, 45-47 and 49-52 each include all of the limitations of their respective base independent claims, and thus are patentable over the Caronni and Friedman references for at least the same reasons as their independent claims.² Applicant therefore respectfully requests that the Examiner withdraw the rejections of these claims as well.

² As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.


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CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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